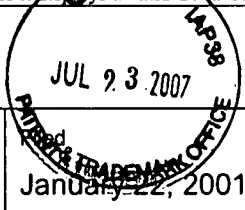
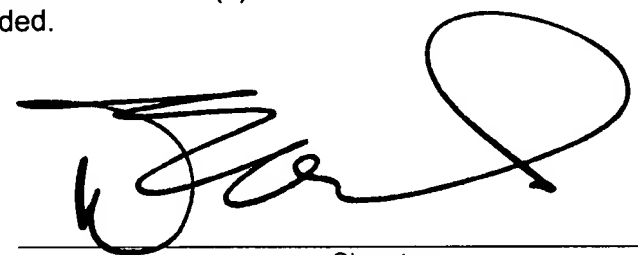


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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number 111788-00101
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____ Signature _____ Typed or printed name _____	Application Number <b>09/765,431</b>  First Named Inventor <b>William Johns et al.</b>	<div style="text-align: center;">  </div> Examiner <b>L. D. T. Truong</b>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.   This request is being filed with a notice of appeal.   The review is requested for the reason(s) stated on the attached sheet(s) Note: No more than five (5) pages may be provided.		
I am the <input type="checkbox"/> Applicant/inventor  <input type="checkbox"/> Assignee of record of the entire interest See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> Attorney or agent of record Registration number 35,126  <input type="checkbox"/> Attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34	<div style="text-align: center;">  </div> _____ Signature <b>David J. Edmondson</b> _____ Typed or printed name <b>202-772-5800</b> _____ Telephone number <b>July 23, 2007</b> _____ Date	
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.  <input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		



PATENT  
ATTORNEY DOCKET NO.: 111788.00101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
William M. JOHNS et al.	)	
	)	
Serial No. 09/765,431	)	
	)	Group Art Unit: 2152
Confirmation No.: 9036	)	
	)	Examiner: Lan Dai T. Truong
Filed: January 22, 2001	)	
	)	
For: SYSTEM AND METHOD FOR	)	
CONTINUOUS MONITORING AND	)	
MEASUREMENT OF PERFORMANCE	)	
OF COMPUTERS ON NETWORK	)	

**STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

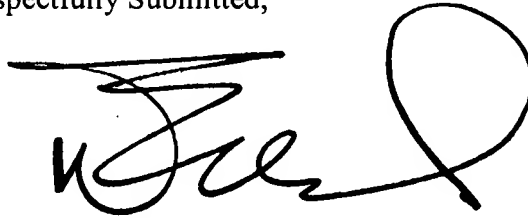
Sir:

In support of the Pre-Appeal Brief Request for Review filed concurrently herewith, the Applicants, through undersigned counsel, hereby make the following statement.

The Applicants respectfully disagree with the grounds of rejection, since *Curley et al* does not teach all of the features for which the Final Rejection relies on it, particularly determining a response for *each* segment of the network. Because that teaching is absent from *Curley et al*, and because the other applied references do not overcome that deficiency, the Applicants respectfully submit that none of the applied combinations of references would have resulted in, taught or suggested the present claimed invention.

Please charge any shortage of fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (111788-00101). In the event that a petition for an extension of time is required to render this Amendment timely, and in the event that a separate petition either does not accompany this Amendment or is insufficient to render this Amendment timely, the Applicant hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this Amendment timely. Any fee due is authorized above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Edmondson', written over a horizontal line.

David J. Edmondson  
Registration No. 35,126

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